

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
AUTHORIZING A REMOTE CIVIL) Administrative Order
JURY TRIAL PILOT PROJECT) No. 2021 - 50
IN THE SUPERIOR COURT IN)
MOHAVE COUNTY)
_____)

Due to the concern for the spread of COVID-19 in the general population, the Governor of the State of Arizona declared a statewide public health emergency on March 11, 2020 pursuant to A.R.S. § 26-303 and in accordance with A.R.S. § 26-301(15). Since March 18, 2020, several Administrative Orders have been issued in response to the COVID-19 public health threat that limited and modified court operations to ensure justice in Arizona is administered safely. The Arizona Supreme Court formed the COVID-19 Continuity of Court Operations During Public Health Emergency Workgroup (“Plan B Workgroup”) to provide procedural guidance to the courts during the pandemic restrictions. The Plan B Workgroup issued its best practice recommendations on June 1, 2020. The report encourages courts to use technology as much as possible for jury selection, voir dire, and other jury-related processes. The Workgroup further acknowledged the digital divide for those who do not have ready access to technology or the internet to participate in the jury process.

The Administrative Orders have restricted in-person hearings for a significant period of time from the onset of the pandemic until the issuance of Administrative Order Nos. 2020-143 and 2020-197 allowing for the safe transition to in-person proceedings. The concomitant suspension of in-person jury trials has created significant backlogs with criminal and civil jury trials. The superior court in those counties that have lifted the suspension on jury trials have experienced shortages in jury pools further limiting the conduct of jury trials.

The backlog in civil and criminal jury trials faces a significant impediment in the lack of available courtrooms. The Superior Court of Mohave County has proposed to conduct a remote jury trial pilot court for civil matters. The pilot project would entail one of the civil divisions of the court utilizing the ZOOM application to conduct civil jury trials remotely. The Mohave County Superior Court further proposes in conjunction with the National Center for State Courts to conduct this pilot court in a manner that would address the digital divide. The National Center for State Courts will provide funding for laptops and cradle point devices to help ensure trial participants without ready access to needed technology can participate in the jury selection process and trial remotely. Therefore,

IT IS ORDERED that the Presiding Judge of Mohave County Superior Court is authorized to establish a remote civil jury trial pilot court utilizing the ZOOM application. The Presiding

Judge of the Superior Court in Mohave County shall issue an appropriate administrative order establishing the division of the court responsible for the conduct of the remote jury trial pilot court. The administrative order shall also provide that civil matters assigned to that division of the court are to be mandatorily placed into the pilot court project; however, a party may petition the court to conduct the jury trial in person upon establishing to the court's satisfaction that there is a unique reason with respect to the presentation of the case such that a remote jury trial is not feasible.

IT IS FURTHER ORDERED that the Mohave County Superior Court shall provide appropriate instructions and educational materials for counsel who will be trying the matter remotely.

IT IS FURTHER ORDERED that this pilot court project shall continue until December 31, 2022, unless further extended by subsequent Supreme Court Administrative Order. The Superior Court in Mohave County shall report its findings to the Arizona Judicial Council by October 2022.

IT IS FURTHER ORDERED that Rule 42.1, Rules of Civil Procedure that provides litigants a right to a change of one judge is suspended in divisions participating in the pilot program, throughout the period of the pilot court program.

Dated this 14th day of April, 2021.

ROBERT BRUTINEL
Chief Justice